

Message Text

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INFO AMEMBASSY SANTIAGO PRIORITY

C O N F I D E N T I A L CARACAS 11719

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TAGS: PFOR CI

SUBJ: THE IAHRC AND CHILE

REF: WHITE-SHLAUDEMAN TELCON NOVEMBER 6

1. SUMMARY: AMBASSADOR AGUILAR OF THE INTER-AMERICAN HUMAN RIGHTS COMMITTEE TOLD ME THAT MAJORITY SENTIMENT ON THE COMMITTEE IS AGAINST SENDING A MISSION TO CHILE. MOST OF THE MEMBERS FEAR THAT THE GOC WOULD SO ARRANGE MATTERS AS TO PREVENT AN EFFECTIVE INVESTIGATION. THEY WISH TO AVOID A SITUATION IN WHICH THE COMMITTEE WOULD EITHER ACQUIESCE IN ITS OWN MANIPULATION OR CONFRONT THE CHILEAN

GOVERNMENT. THE GOC HAS NEVER, IN ANY CASE, GIVEN ANY MEANINGFUL INDICATION THAT IT WOULD RECEIVE THE IAHRC. AGUILAR THINKS THE GOC MAY HAVE OFFERED SANTIAGO AS THE OASGA VENUE WITH THE THOUGHT OF INFLUENCING THE COMMISSION'S REPORT. HE BELIEVES A CANDID, BALANCED AND DOCUMENTED REPORT CAN BE PRODUCED WITHOUT GOING TO SANTIAGO. I CONCLUDE THAT AN IAHRC MISSION TO CHILE IS UNLIKELY IN THE ABSENCE OF A FORMAL INVITATION FROM THE GOC. END SUMMARY.

2. THE INFORMATION IN THIS TELGRAM WAS GIVEN TO ME IN THE STRICTEST CONFIDENCE BY THE PRESIDENT OF A MULTILATERAL ORGANIZATION AND IS NOT FOR DISSEMINATION TO THIRD PARTIES.

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HE ASKED ME SEVERAL TIMES DURING OUR CONVERSATION TO PROTECT HIS

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3. I TALKED AT LENGTH ON NOV 10 ABOUT THE CHILEAN SITUATION WITH ANDRES AGUILAR, CURRENT PRESIDENT OF THE INTER-AMERICAN HUMAN RIGHTS COMMISSION. HE REVIEWED THE COMMISSION'S PLAN OF WORK IN PREPARING THE REPORT CALLED FOR BY THE OAS GENERAL ASSEMBLY. AS THE DEPARTMENT MAY KNOW, THE MEETING OF THE IAHC SUB-COMMITTEE IN AUGUST DEVELOPED QUESTIONNAIRES FOR SUBMISSION TO THE GOC ON DETENTIONS, TORTURE, MISSING PERSONS AND LEGAL PROCEDURES. THE OCTOBER MEETING OF THE FULL COMMISSION APPROVED AN ADDITIONAL SET OF QUESTIONNAIRES ON OTHER ASPECTS OF THE PROBLEM. INFORMATION IS ALSO BEING COLLECTED FROM THE COMMITTEE FOR PEACE AND PROFESSIONAL AND LABOR ORGANIZATIONS. AGUILAR SAID THE COMMISSION HAD "UNCENSORED" CHANNELS OF COMMUNICATION FOR THE PURPOSE. IN ADDITION, A MASSIVE NUMBER OF LETTERS AND APPEALS HAVE BEEN RECEIVED FROM INDIVIDUALS.

4. THE EFFORT IS TO PRODUCE A BALANCED AND FULLY DOCUMENTED REPORT WHICH AGUILAR SAID WOULD TAKE CAREFUL NOTE OF BOTH POSITIVE AND NEGATIVE DEVELOPMENTS. THE COMMISSION INITIALLY SET A DEADLINE OF JAN 31 FOR THE COLLECTION OF INFORMATION. IT WAS THEN SCHEDULED TO MEET IN EXTRAORDINARY SESSION IN FEB TO WORK ON THE REPORT. HOWEVER, THE POSTPONEMENT OF THE OASGA HAS LED AGUILAR TO EXPLORE THE POSSIBILITY OF SLIDING THESE DATES TO THE END OF FEB AND LATE

MAR OR EARLY APRIL. THE LATTER WOULD BE THE REGULAR SPRING MEETING OF THE FULL IAHC, PERHAPS TO BE PRECEDED BY A REVIEW IN FEB AT THE SUB-COMMITTEE LEVEL.

5. AGUILAR SAID THE QUESTION OF AN IAHC VISIT TO CHILE HAD BEEN DISCUSSED INFORMALLY IN AUGUST AND AGAIN IN OCTOBER. HE HIMSELF HAD ALSO TAKEN A PRIVATE POLL OF THE MEMBERS. MAJORITY OPINION IS DISTINCTLY NEGATIVE, WITH TWO MEMBERS FLATLY OPPOSED UNDER ANY CONDITIONS AND FIVE DEFINITELY "INCLINED" AGAINST THE IDEA. (AGUILAR OFFERED NO IDENTIFICATION.) AGUILAR SAID HE DOES NOT YET ENTIRELY DISCARD THE POSSIBILITY OF A TRIP BY A SMALL SUB-COMMITTEE (NOT THE FULL COMMISSION) UNDER VERY CLEAR GROUND RULES. HE GAVE NO INDICATION, HOWEVER, THAT THE COMMISSION IS THINKING OF CONSIDERING THE MATTER FURTHER IN THE ABSENCE OF NEW DEVELOPMENTS.

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6. AGUILAR LISTED THE FOLLOWING CONCLUSIONS OR SUPPOSITIONS AS INFLUENCING THE COMMISSION:

- AN EFFECTIVE INVESTIGATION WOULD BE IMPOSSIBLE THIS TIME AROUND. THE FIRST MISSION CAUGHT THE CHILEAN AUTHORITIES BY "SURPRISE"; BUT NOW THE GOC WOULD INEVITABLY BE READY WITH "POTEMKIN VILLAGES" AND OTHER DEVICES TO MASK THE TRUTH;
- UNDER THOSE CIRCUMSTANCES THE COMMISSION WOULD EITHER HAVE TO GO ALONG WITH THE GOC IN A FARCE DAMAGING TO ITS IMAGE

OR PROVOKE A CONFRONTATION WITH POTENTIALLY SERIOUS CONSEQUENCES FOR ITS POSITION IN THE INTER-AMERICAN SYSTEM;

-- THE GOC, IN FACT, WANTS NO PART OF AN IAHRC MISSION.

NOT IN THE OASGA, NOR IN AMBASSADOR TRUCCO'S TALKS WITH AGUILAR, NOR IN MINISTER OF JUSTICE SCHWEITZER'S MEETING WITH THE FULL COMMISSION LAST MONTH WAS THERE EVER AN INVITATION OR EVEN AN INDICATION OF RECEPTIVITY. AGUILAR SAID THAT SCHWEITZER IN PARTICULAR HAD EVERY OPPORTUNITY TO DISPLAY A FORTHCOMING ATTITUDE TOWARD A VISIT BUT CAREFULLY AVOIDED THE SUBJECT. AGUILAR ALSO NOTED THE GOC STATEMENT TO THE EFFECT THAT THE DELEGATES TO THE OASGA COULD "SEE FOR THEMSELVES." HE THOUGHT THAT "ABSURD."

--FINALLY, THE COMMISSION WOULD BE PLACED IN A MOST DIFFICULT SITUATION IF IT WERE TO RECEIVE THE SAME KIND OF LAST-MINUTE REJECTION

AS DID THE UN MISSION. THE IAHRC WOULD THEN BE EMBROILED IN A POLITICAL CONTROVERSY ABOUT NON-INTERVENTION, THAT MOST DELICATE OF SUBJECTS WITHIN THE INTER-AMERICAN SYSTEM.

7. AGUILAR ALSO SPENT SOME TIME ON THE CONNECTION BETWEEN THE COMMISSION'S TASK AND THE OASGA VENUE PROBLEM. HE SPECULATED THAT THE GOC HAD IN MIND INFLUENCING THE FORTHCOMING REPORT IN OFFERING SANTIAGO AS THE MEETING SITE. IT WOULD BE DIFFICULT TO RENDER A FRANK AND STRAIGHTFORWARD REPORT DIRECTED AT ONE'S HOST. AGUILAR NOTED THAT THE PRESIDENT OF THE IAHRC IS CALLED UPON TO SUBMIT AND EXPLAIN THE REPORT. HE FOUND THE PROSPECT OF DOING THAT IN SANTIAGO UNPLEASANT, RECALLING THE HARSH ATTACKS ON HIS PREDECESSOR AND THE GOC'S TREATMENT OF REQUE, THE COMMISSIONS'S SECRETARY. FURTHER, AGUILAR SAID THAT SENTIMENT IN THE COMMON-WEALTH CARIBBEAN, AT LEAST, AGAINST MEETING IN SANTIAGO IS FAR STRONGER THAN HAS BEEN APPARENT. HE THOUGHT THE ISSUE POSED A REAL THREAT TO THE OAS--A POTENTIAL "NAIL IN THE COFFIN" OF THAT ORGANIZATION.

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8. I TOLD AGUILAR THAT I COULD UNDERSTAND WHY THE COMMITTEE WOULD HAVE RESERVATIONS ABOUT GOING TO SANTIAGO BUT WONDERED IF FAILURE TO EXAMINE THE PROBLEM ON THE GROUND MIGHT NOT DETRACT FROM THE REPORT'S CREDIBILITY. AGUILAR ACKNOWLEDGED THAT PROBLEM BUT SAID THE REPORT WOULD CAREFULLY EXPLAIN ANY DECISION NOT TO SEND A MISSION. I ASKED HOW HE WOULD REACT TO A GOC INVITATION. HE SAID HE WOULD POLL THE COMMITTEE ON THE POSSIBILITY OF SENDING A SMALL MISSION BUT THAT THERE WOULD HAVE TO BE, IN ANY CASE, A CLEAR UNDERSTANDING WITH THE GOC ON THE GROUND RULES.

9. COMMENT: AGUILAR WAS REASONABLY FRANK AND QUITE FRIENDLY, BUT OBVIOUSLY UNCOMFORTABLE. HE CLEARLY DOES NOT WANT TO GO TO SANTIAGO, FEARING A CONFRONTATION THAT WOULD BE PRERSONALL DISTASTEFUL

AND INSTITUTIONALLY DAMAGING. HIS COMMENTS REFLECTED THE HARD

FACT THAT THE IAHRC MUST WALK A NARROW LINE WITHIN A SYSTEM
WHOSE MEMBER GOVERNMENTS ARE BY NO MEANS ALL FULLY COMMITTED
TO THE CAUSE OF HUMAN RIGHTS. HE EVIDENTLY BELIEVES, AND PERHAPS
WITH REASON, THAT THE COMMITTEE CAN BEST FULFILL ITS MANDATE BY
KEEPING ITS DISTANCE AND, AS HE SAID AT ONE POINT, COMMUNICATING
WITH THE GOC BY "NOTE." IT IS MY JUDGMENT THAT AN IAHRC MISSION
TO CHILE IS NOW UNLIKELY IN THE ABSENCE OF A FORMAL INVITATION FROM
THE GOC.

SHLAUDEMAM

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